



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,314	04/06/2000	Claude Basso	RAL9-00-0049	8223

25299 7590 09/05/2003

IBM CORPORATION  
PO BOX 12195  
DEPT 9CCA, BLDG 002  
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

CAO, DIEM K

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/544,314	BASSO ET AL.
Examiner	Art Unit	
Diem K Cao	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 July 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This Office Action is in response to the Amendment filed on 7/10/2003.
2. Claims 1-10 remain in the application. Applicant has amended claims 1 and 5, and added claims 9-10.

### ***Drawings***

The corrected or substitute drawings were received on 7/10/2003. The drawings are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office Action. The correction will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Narisi et al. (U.S. 6,233,619 B1).

**As to claim 1**, Narisi teaches providing software enabled functions that open and close inter process communication paths for transmitting and receiving of inter process communication frames (MSS\_OPEN\_DIALOG, MSS\_CLOSE\_DIALOG; col. 31, lines 10-47 and MSS\_Create\_Endpoint\_Dialog, MSS\_Open\_Endpoint\_Dialog, MSS\_Close\_Endpoint\_Dialog;

col. 34, line 24 – col. 35, line 46), providing software enabled functions that allow the inter process communication frames to be stacklessly transmitted to one of several processors in the network processing environment (a VTL and MSS which allow the ... bypass the conventional ISO network protocol stack; col. 12, line 53 – col. 13, line 32), upon calling an open software transmit/receive IPC path function, selecting by software either data or control path to transmit or receive the inter process communication frames (control path, data path; col. 28, lines 1-11 and MSS\_DATA, MSS\_CONTROL\_DATA; col. 32, lines 13-31 and MSS\_Send\_Control\_Msg, MSS\_Deliver\_Data; col. 36, lines 5-67).

**As to claim 2**, Narisi teaches determining if an IPC path function is a send or receive function, and if a receive function, calling a receive IPC function (Deliver\_Data, Deliver\_Data\_Complete, Accept\_Data, Accept\_Data\_Complete, Data\_Notification, Retrieve\_Data; col. 21, line 24 – col. 22, line 31).

**As to computer system claim 5**, it corresponds to the method claim of claim 1.

**As to claim 6**, see rejection of claim 2 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narisi et al. (U.S. 6,233,619 B1).

**As to claims 9 and 10**, Narisi does not explicitly teach the inter process communication frames include headers to exchange various frame formats. However, Narisi teaches header information of a frame is used to determine the network protocol provider (col. 3, line 63 – col. 4, line 17), the MSS provides a level of abstraction which allows the same interface to be used by multiple platforms (col. 18, lines 16-35), the Data Transfer Header (col. 24, lines 11-28 and col. 29, lines 1-25), and the system can be used to transfer data to and from multiple network protocol providers on each system. It would have been obvious to modify the system of Narisi based on the teaching because it provides a method for exchanging data between different network protocol providers.

7. Claims 3-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narisi et al. (U.S. 6,233,619 B1) in view of Isfeld et al. (U.S. 5,802,278).

**(As to claim 3**, Narisi does not teach determining if an IPC frame to be sent is to be unicast or multicast, if multicast then calling a multicast transmit function, but if unicast then calling a unicast transmit function. However, Narisi teaches a message can be send to one or more applications (the system can be used to transfer data to and from multiple network protocol providers on each system; col. 57, lines 24-35 and the same interface to be used by multiple platforms; col. 18, lines 16-35). Isfeld teaches determining if an IPC frame to be sent is to be unicast or multicast, if multicast then calling a multicast transmit function, but if unicast then calling a unicast transmit function (unicast, broadcast functions; col. 40, lines 1-67 and IP CEC and IP DPMS; col. 43, line 50 – col. 45, line 32). It would have been obvious to apply the teaching of Isfeld to the system of Narisi because it provides a method for custom applications can be developed faster and more cost effectively; col. 2, lines 1-59).

**As to claim 4**, Narisi teaches closing a software transmit/receive IPC path function (MSS\_DATA, MSS\_CONTROL\_DATA; col. 32, lines 14-30 and MSS\_Send\_Control\_Msg, MSS\_Deliver\_Data, MSS\_Retrieve\_Data\_Msg, MSS\_Receive\_Message; col. 36, line 5 – col. 38, line 67).

**As to claims 7-8**, see rejections of claims 3-4 above.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2126

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K Cao whose telephone number is (703) 305-5220. The examiner can normally be reached on Monday - Thursday, 9:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6296 for regular communications and (703) 305-9731 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

**Or fax to:**

- AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
- OFFICIAL faxes must be signed and sent to (703) 746-7239.
- NON-OFFICIAL/DRAFT faxes should not be signed, please send to (703) 746-7140.

Diem Cao  
August 27, 2003



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100